

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CRIMINAL NO. 1:07CR51**

**UNITED STATES OF AMERICA** )  
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  )  
**VS.**                               )  
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**BILLY RAY SURRETT**            )  
                                       )  
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**ORDER**

**THIS MATTER** is before the Court on the Defendant's appeal of the Magistrate Judge's determination that a psychiatric evaluation of the Defendant is appropriate.

The Court has reviewed the recording of the hearing and agrees with the Magistrate Judge that at the time thereof, the Defendant had been noncompliant with his psychotropic medication. In fact, the Defendant's affect during the hearing was extremely lethargic and he appeared to be confused. Since that time, however, counsel advises that the Defendant has been compliant with his medication and is mentally capable of entering his plea of guilty.

The Court will respectfully refer this matter to the Magistrate Judge for reconsideration in view of the Defendant's compliance.

**IT IS, THEREFORE, ORDERED** that this matter is respectfully referred to the Magistrate Judge for reconsideration and the stay previously imposed by the Magistrate Judge remains in effect.

Signed: September 6, 2007



Lacy H. Thornburg  
United States District Judge

